

### REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 33-43 are currently pending. Claims 33-43 have been amended; and Claims 11-16 and 27-32 have been canceled without prejudice by the present amendment. No new matter has been added.

In the outstanding Office Action, Claims 11-16 and 27-43 were objected to as containing informalities; Claims 11-13, 16, 27-29, and 32 were rejected under 35 U.S.C. § 112, first paragraph; Claims 12, 16, 28, and 32-36 were rejected under 35 U.S.C. § 112, second paragraph; Claims 11-13, 27-29, 33-36, and 40-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Cognet (U.S. Patent 6,801,505 B1, hereinafter “the ‘505 patent”) in view of Amaral et al. (U.S. Patent 7,031,306 B2, hereinafter “the ‘306 patent”); Claim 38 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘306 patent in view of Schuster et al. (U.S. Patent 6,360,271 B1, hereinafter “the ‘271 patent”); and Claims 14, 15, 30, 31, 37, and 39 were rejected under 35 U.S.C. § 102(e) as being anticipated by the ‘306 patent.

Regarding the objections to Claims 11-16 and 27-43, Applicants have canceled Claims 11-16 and 27-32. Thus, Applicants submit that the objections to Claims 11-16 and 27-32 are moot. Additionally, Applicants have amended Claims 33-43 to address antecedent basis matters. No new matter has been added. Therefore, Applicants respectfully request that the objections to Claims 11-16 and 27-43 be withdrawn.

Regarding the rejections to Claims 11-13, 16, 27-29, and 32 under 35 U.S.C. § 112, first paragraph, Applicants have canceled those claims. Thus, Applicants submit that these

rejections are moot. Applicants respectfully request that the rejections under 35 U.S.C. § 112, first paragraph, be withdrawn.

Regarding the rejections of Claims 12, 16, 28, and 32-36 under 35 U.S.C. § 112, second paragraph, Applicants have canceled Claims 12, 16, 28, and 32. Thus, Applicants submit that the rejections of those claims is moot. Applicants respectfully request that the rejections of these claims be withdrawn.

Additionally, Applicants have amended Claim 33 to recite a transmission unit configured to send out a play-out time offset once for all time-stamped media data packets of a session. Support for this amendment can be found at least in the originally filed specification at page 10, lines 24-28. Applicants have also amended the last limitation of Claim 34 to recite that a control packet is sent to one or more receiving media sinks. No new matter has been added. Accordingly, Applicants respectfully submit that the rejections of Claims 33 and 34 under 35 U.S.C. § 112, second paragraph, are rendered moot.

Applicants have amended Claims 34-36, 38, 40, 41, and 43 to address cosmetic matters of form. No new matter has been added.

Amended Claim 33 is directed to a media source, including, *inter alia*, a sending unit configured to send out time-stamped media data packets to one or more receiving media sinks, a determining unit configured to determine a play-out time offset, and a transmission unit configured to send out the play-out time offset to the one or more receiving media sinks once for all time-stamped media data packets of a session. A timestamp of one of the time-stamped media data packets indicates a time of creation of the one of the time-stamped media data packets.

Turning to the applied art, the '505 patent is directed to a method of using computer equipment to send a time-stamped frame. The method disclosed by the '505 patent includes generating a frame, at a given instant  $T_s$ , whose time stamp  $T_o$  is equal to  $T_s + \delta$ , where  $\delta$  is a time interval required by the computer equipment between generating a time-stamped frame and sending a last bit thereof. Further to the '505 patent, the method includes sending the frame when an absolute time clock of the computer equipment reaches a value equal to  $T_s + \delta - \sigma$ , where  $\sigma$  is a duration required for sending the bits of the frame, such that the last bit of the frame is sent at instant  $T_s + \delta$ . Furthermore, as disclosed at column 3, lines 29-33, the '505 patent is directed to eliminating a difference between the time stamp of the frame and an instant at which the frame is sent by marking the frame with a future instant representing an instant at which the frame will indeed be sent.

The outstanding Office Action asserts that the '505 patent discloses a sending unit configured to send out time-stamped media data packets, to one or more receiving media sinks, a time stamp of a time-stamped media data packet indicating the time of creation of the time-stamped media data packet. However, the '505 patent discloses at column 1, lines 51-59, that a frame generated at a given instant  $T_s$  has a time stamp  $T_o$  equal to  $T_s + \delta$ . That is, according to the '505 patent, the time stamp  $T_o$  of the packet does not indicate a time of generation,  $T_s$ , of the packet. Rather, the '505 patent indicates a different time, that is, the time  $T_o$  which is equal to  $T_s + \delta$ . Thus, the '505 patent does not teach or suggest a sending unit configured to send out time-stamped media data packets, a timestamp of one of the time-stamped media data packet indicating a time of creation of the one of the time-stamped media data packets, as recited in amended Claim 33.

Moreover, the '505 patent discloses, at column 3, lines 31-33, "marking the frame with a future instant representing the instant at which the frame will indeed be sent." Because the '505 patent discloses "marking the frame with a future instant," the '505 patent *teaches away* from marking a time of creation of the frame. Therefore, the '505 patent does not teach or suggest a sending unit configured to send out time-stamped media data packets, a timestamp of one of the time-stamped media data packet indicating a time of creation of the one of the time-stamped media data packets, as recited in amended Claim 33.

Furthermore, the outstanding Office Action asserts that the '505 patent discloses a determining unit configured to determine a play-out time offset. The outstanding Office Action further asserts that this play-out time offset reads onto the '505 time interval  $\delta$ . However, as the '505 patent discloses at column 1, lines 51-54, the offset ( $\delta$ ) is an offset required by the computer equipment between generating a time-stamped frame and sending the last bit thereof. That is, the '505 offset ( $\delta$ ) is directed to transmission, not a play-out time. Thus, Applicants respectfully submit that the '505 patent does not teach or suggest a determining unit configured to determine a play-out time offset, as recited in amended Claim 33.

Additionally, the outstanding Office Action asserts that the '505 patent discloses a transmission unit configured to send out a play-out time offset to one or more receiving media sinks. However, the '505 patent discloses at column 1, lines 51-59, that a frame only indicates time stamp  $T_o$ , which is equal to  $T_s + \delta$ . However, the time stamp  $T_o$  disclosed in the '505 patent does not indicate a play-out time offset. Assuming *arguendo* that the time stamp  $T_o$  is calculated *based on* an offset, the time stamp  $T_o$  itself is devoid of such information. Thus, Applicants respectfully submit that the '505 patent does not teach or

suggest a transmission unit configured to send out the play-out time offset to one or more receiving media sinks, as recited in amended Claim 33.

In addition, Applicants respectfully submit that the '505 patent is silent regarding sending out a play-out time offset once for all time-stamped media data packets of a session, as recited in amended Claim 33.

Further, the outstanding Office Action does not assert that the '306 patent discloses any of the above-mentioned features. Indeed, Applicants respectfully submit that the '306 patent fails to cure the above-noted deficiencies in the '505 patent.

Thus, Applicants respectfully submit that the '505 patent and the '306 patent, either alone or in proper combination, fail to teach or suggest all of the limitations of amended Claim 33. Accordingly, Applicants respectfully submit that Claim 33 (and all associated dependent claims) patentably distinguishes over any proper combination of the '505 patent and the '306 patent.

Furthermore, Applicants respectfully submit that because the '505 patent and the '306 patent, either alone or in proper combination, fail to teach or disclose the limitations of amended Claim 33, Applicants respectfully submit that the '505 patent and the '306 patent also fail to teach or suggest, either alone or in proper combination, the limitations of independent Claim 40. Accordingly, Applicants respectfully submit that amended Claim 40 (and all associated dependent claims) patentably distinguishes over any proper combination of the '505 patent and the '306 patent.

Moreover, Applicants respectfully submit that the '271 patent does not remedy the above-noted deficiencies in the '505 patent and the '306 patent. Accordingly, Applicants

respectfully submit that amended Claims 33 and 40 (and all associated dependent claims) patentably distinguish over any proper combination of the cited references.

Amended Claim 37 is directed to a media sink, including, *inter alia*, a receiving unit configured to receive time-stamped media data packets and a play-out time offset from a media source, a determining unit configured to determine a global wallclock time, an addition unit configured to determine a common play-out time of one of the time-stamped media data packets by adding a time indicated by a timestamp of the one of the time-stamped media data packets and the play-out time offset, and a play-out unit configured to play-out the one of the time-stamped media data packets when the determined common play-out time of the one of the time-stamped media data packets is reached. The play-out time offset is received once for all time-stamped media data packets of a session.

The '306 patent is directed to buffering MPEG data packets and routing out the buffered MPEG data packets at an appropriate play-out rate. As disclosed by the '306 patent, MPEG specifications call for an MPEG encoder to insert program clock references (PCRs) into MPEG transport streams containing MPEG-compressed data packets. Further to the '306 patent, PCRs are time-stamps used by an MPEG receiver to synchronize presentation and recreation of audio and video information in the data packets. The '306 patent discloses that the MPEG receiver uses information in the PCRs to generate local time-stamps, which are used in decoding a transport stream.

The outstanding Office Action does not assert that the '306 patent discloses an addition unit configured to determine a common play-out time of a time-stamped media data packet by adding a time indicated by a timestamp of a time-stamped media data packet and a play-out time offset. Indeed, Applicants submit that the '306 patent does not disclose the

*addition* of any kind of timing information. Thus, Applicants respectfully submit that the ‘306 patent does not teach or suggest an addition unit configured to determine a common play-out time of a time-stamped media data packet by adding a time indicated by a time stamp of the time-stamped media data packet and a play-out time offset, as recited in amended Claim 37.

Moreover, the outstanding Office Action asserts that the ‘306 patent discloses a play-out unit configured to play-out each received time-stamped media data packet when a determined common play-out time of the received time-stamped media data packet is reached. However, as the ‘306 patent discloses at column 2, lines 15-17, data packets are played out “at times that correspond to the time-stamps.” Thus, the ‘306 patent discloses playing-out data packets at times indicated by time-stamps, rather than at a claimed time determined by adding a time indicated by a time stamp and a play-out time offset. Thus, Applicants submit that the ‘306 patent fails to teach or suggest a play-out unit configured to play-out a time-stamped media data packet when a determined common play-out time of the time-stamped media data packet is reached, as recited in amended Claim 37.

Additionally, Applicants submit that the ‘306 patent is silent regarding a play-out time offset being received once for all time-stamped media data packets of a session, as recited in amended Claim 37. Thus, Applicants respectfully submit that the rejection of amended Claim 37 as being anticipated by the ‘306 patent is moot.

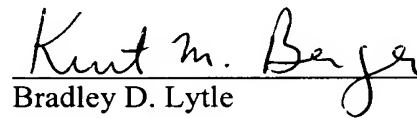
Thus, Applicants respectfully submit that amended Claim 37 (and all associated dependent claims) patentably distinguish over the ‘306 patent. Moreover, Applicants submit that the ‘505 patent and the ‘271 patent do not remedy the above-noted deficiencies in the

'306 patent. Accordingly, Applicants respectfully submit that amended Claim 37 patentably distinguishes over any proper combination of the cited references.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Kurt M. Berger", is written over a horizontal line.

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